IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 601 (MS) OF 2006

Abdul Sattar,
S/o Abdul Waheed,
Aged about 75 years,
R/o Opposite Nanak Sweets,
Bareilly Road, Haldwani. .....Petitioner.

Versus

1. Workman Compensation Commissioner/Deputy Labour Commissioner, Uttaranchal Haldwani, District-Nainital.
2. Gopal Ram, S/o Shri Daulat Ram, R/o Gram-Ramri Aan Singh, Post Office-Fatehpur, Haldwani (Nainital)

.....Respondents.

Dated: 19.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri T.A. Khan, Advocate for the petitioner and Standing Counsel for the respondent no.1. Both the parties have agreed that let the matter be finally disposed of.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 5th April, 2006 (Annexure No.1) passed by the respondent no. 1 in W.C.A. Case No. 21 of 2005.

Briefly stated, an application was filed by the respondent no. 2 for the grant of compensation for the alleged injuries received by him. The petitioner has already filed a written statement. During the proceedings of the case, he has filed an application for examining the injury by the Chief Medical Officer. The said application has been rejected.

However, in the interest of justice Chief Medical Officer is directed to report about the disability in order to decide the claim petition.

Liberty is given to the petitioner to file a fresh application and the same shall be suitably considered by the Presiding Officer.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

18.05.2006
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